

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Glenn Brown	Team: Team # 1	CCRB Case #: 201307815	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 07/25/2013 6:50 AM	Location of Incident: Intersection of East 105th Street and Farragut Road; Inside the East 105th Street L Train Station	Precinct: 69	18 Mo. SOL 1/25/2015	EO SOL 1/25/2015	
Date/Time CV Reported Thu, 08/15/2013 8:39 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 08/15/2013 8:39 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Abraham Badillo	00568	936162	069 PCT
2. POM Victor Pagan	25394	946526	069 PCT
3. POM Tomasz Fil	21392	945188	069 PCT
4. POM Quentin Saxon	05172	947466	069 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Sydney Dellimore	05245	940073	069 PCT
2. POM Philogene Breville	03121	940974	069 PCT
3. POF Priscilla Goncalves	10665	941827	069 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Quentin Saxon	Abuse: In the vicinity of East 105th Street and Farragut Road, PO Quentin Saxon stopped § 87(2)(b)	
B.POM Quentin Saxon	Abuse: In the vicinity of East 105th Street and Farragut Road, PO Quentin Saxon searched § 87(2)(b)	
C.SGT Abraham Badillo	Discourtesy: In the vicinity of East 105th Street and Farragut Road, Sgt. Abraham Badillo spoke discourteously to § 87(2)(b)	
D.SGT Abraham Badillo	Abuse: Inside the East 105th Street L Train station, Sgt. Abraham Badillo stopped § 87(2)(b)	
E.POM Tomasz Fil	Abuse: Inside the East 105th Street L Train station, PO Tomasz Fil stopped § 87(2)(b)	
F.POM Victor Pagan	Abuse: Inside the East 105th Street L Train station, PO Victor Pagan stopped § 87(2)(b)	
G.SGT Abraham Badillo	Abuse: Inside the East 105th Street L Train station, Sgt. Abraham Badillo authorized the search of § 87(2)(b)'s bag.	
H.POM Tomasz Fil	Abuse: Inside the East 105th Street L Train station, PO Tomasz Fil searched § 87(2)(b)'s bag.	

Officer(s)	Allegation	Investigator Recommendation
I.SGT Abraham Badillo	Abuse: Inside the East 105th Street L Train station, Sgt. Abraham Badillo frisked § 87(2)(b)	
J.SGT Abraham Badillo	Abuse: Inside the East 105th Street L Train station, Sgt. Abraham Badillo searched § 87(2)(b)	
K.POM Victor Pagan	Abuse: Inside the East 105th Street L Train station, PO Victor Pagan frisked § 87(2)(b)	
L.POM Victor Pagan	Abuse: Inside the East 105th Street L Train station, PO Victor Pagan searched § 87(2)(b)	

Case Summary

On August 15, 2013, § 87(2)(b) and § 87(2)(b) filed this complaint with the CCRB via telephone.

On July 25, 2013, at approximately 6:50 am, § 87(2)(b) was stopped on East 105th Street and Farragut Road in Brooklyn by Sgt. Abraham Badillo and PO Quentin Saxon and then at 7:35 am, inside the East 105th Street L Train station, § 87(2)(b) and § 87(2)(b) were stopped by Sgt. Badillo, PO Tomasz Fil, and PO Victor Pagan and the following allegations resulted:

- **Allegation A) Abuse of Authority: In the vicinity of East 105th Street and Farragut Road, PO Quentin Saxon stopped § 87(2)(b)**
- **Allegation B) Abuse of Authority: In the vicinity of East 105th Street and Farragut Road, PO Quentin Saxon searched § 87(2)(b)**
- **Allegation C) Discourtesy: In the vicinity of East 105th Street and Farragut Road, Sgt. Abraham Badillo spoke discourteously to § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation D) Abuse of Authority: Inside the East 105th Street L Train station, Sgt. Abraham Badillo stopped § 87(2)(b)**
- **Allegation E) Abuse of Authority: Inside the East 105th Street L Train station, PO Tomasz Fil stopped § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation G) Abuse of Authority: Inside the East 105th Street L Train station, Sgt. Abraham Badillo authorized the search of § 87(2)(b) s bag.**
- **Allegation H) Abuse of Authority: Inside the East 105th Street L Train station, PO Tomasz Fil searched § 87(2)(b) s bag.**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation I) Abuse of Authority: Inside the East 105th Street L Train station, Sgt. Abraham Badillo frisked § 87(2)(b)**
- **Allegation J) Abuse of Authority: Inside the East 105th Street L Train station, Sgt. Abraham Badillo searched § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation K) Abuse of Authority: Inside the East 105th Street L Train station, PO Victor Pagan frisked § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation F) Abuse of Authority: Inside the East 105th Street L Train station, PO Victor Pagan stopped § 87(2)(b)**
- **Allegation L) Abuse of Authority: Inside the East 105th Street L Train station, PO Victor Pagan searched § 87(2)(b)**

§ 87(2)(g)

§ 87(2)(b) and § 87(2)(b) declined to have this complaint mediated.

Results of Investigation

Civilian Statements

Complainant/ Victim: § 87(2)(b)

- *At the time of the incident, § 87(2)(b) was § 87(2)(b) old. He is a white male, 5'6" tall, 200 pounds, with red hair and blue eyes. § 87(2)(b)*

CCRB Statement: (encl. B4-10)

On August 22, 2013, § 87(2)(b) was interviewed at the CCRB. On July 25, 2013, at approximately 6:50 am, § 87(2)(b) exited § 87(2)(b) East 105th Street and Farragut Road and walked south along East 105th Street. One block away, on the southwestern corner of East 105th Street and Glenwood Road, § 87(2)(b) entered a convenience store and purchased cigarettes. He did not speak to anyone, and spent approximately two minutes inside the store. § 87(2)(b) exited the store, lit a cigarette, and began walking back in the direction of Farragut Road, along the western side of East 105th Street. At about halfway down the block between Glenwood Road and Farragut Road, PO Saxon, who was identified via investigation and described as a uniformed black or Hispanic male, 6' tall, 190 pounds, with expensive and colorful arm-sleeve tattoos on both arms, stepped out of a driveway and obstructed § 87(2)(b)'s path. § 87(2)(b) was startled, raised his hands up to his head and said, "Whoah!" PO Saxon said, "Come here," grabbed § 87(2)(b)'s left hand, and led him up the driveway from which PO Saxon had come.

§ 87(2)(b) was brought over to an unmarked, baby-blue, Crown Victoria that had been parked in the driveway facing the street. § 87(2)(b) observed two more officers standing on the passenger's side of the police vehicle. Sgt. Badillo, who was described as a uniformed light-skinned Hispanic male, 5' tall, 100 pounds, with shield #256, short black hair and a nameplate that said "Patello or something," and who § 87(2)(b) recognized from a separate incident § 87(2)(b) § 87(2)(b). Sgt. Badillo asked, "Where's the drugs? You're under arrest. We've got you on camera for sales of drugs." A second officer, who remains unidentified, was standing on the passenger's side of the vehicle and was described as a uniformed "non-white" male. Sgt. Badillo asked where the drugs were several times and then told § 87(2)(b) to "spit 'em out." § 87(2)(b) had an abscess on his face and drew Sgt. Badillo's attention to his face as a way to show how he could not be hiding drugs in his mouth. Sgt. Badillo instructed PO Saxon to place § 87(2)(b) in handcuffs, and PO Saxon complied. Sgt. Badillo asked again, "Where's the drugs?" and said that the officers had seen § 87(2)(b) speaking to numerous people. Sgt. Badillo said that they had video evidence that § 87(2)(b) had been selling drugs in the convenience store.

PO Saxon then searched § 87(2)(b)'s front and rear shorts pockets. PO Saxon removed a tissue and § 87(2)(b)'s billfold from one pocket. From the billfold, PO Saxon removed and then held onto § 87(2)(b)'s license.

§ 87(2)(b) was placed into the back of the police vehicle and the three officers walked to the rear of the vehicle. § 87(2)(b) heard one of the officers say his name over the radio. Sgt. Badillo returned to the back seat of the police vehicle and told § 87(2)(b) that he knew § 87(2)(b) was lying and that he was selling drugs. Sgt. Badillo also called § 87(2)(b) a "piece

of shit.” Sgt. Badillo then said, “Get out,” and § 87(2)(b) exited the vehicle. PO Saxon removed the handcuffs from § 87(2)(b)’s wrists and then all three officers got into the police vehicle. § 87(2)(b) realized that he was missing his identification and shouted, “My ID!” as the police vehicle was pulling out of the driveway. One of the officers said, “It’s in your pocket,” and he placed his hand into one of his pockets and discovered his identification. § 87(2)(b) estimated that the entire stop lasted approximately 20 minutes.

Complainant/ Victim: § 87(2)(b)

- *At the time of the incident, § 87(2)(b) was § 87(2)(b) old. He is a black male, 5’7” tall, 221 pounds, with black hair and brown eyes.* § 87(2)(b)

CCRB Statement: (encl. B11-15)

On August 22, 2013, § 87(2)(b) was interviewed at the CCRB. On July 25, 2013, at approximately 7:35 am, inside of the East 105th Street L Train station, § 87(2)(b) and his friend § 87(2)(b) were standing outside of the subway system near the turnstiles, waiting for their friends § 87(2)(b) and § 87(2)(b). § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) had met inside § 87(2)(b) and walked to the subway station together, but they had not shaken hands or exchanged any items. § 87(2)(b) was speaking with § 87(2)(b)

§ 87(2)(b) when Sgt. Badillo, PO Fil, who was identified via investigation and described as a uniformed white male, 6’0”, 210 pounds, 28-years-old, with dirty blond hair and a light brown beard, and PO Pagan, who was identified via investigation and described only as a uniformed white male wearing a gold badge, walked up to § 87(2)(b) and § 87(2)(b)

Sgt. Badillo asked, “Wasn’t you the guy who just took a piss downstairs?” § 87(2)(b) denied this and Sgt. Badillo repeated his question. § 87(2)(b) denied this a second time, and Sgt. Badillo said, “Call up what’s-her-name, because this guy is gonna tell me that he didn’t just take a piss downstairs.” § 87(2)(b) responded, “Sir, it was not just now. It was about 20 minutes ago and when I took a piss, I took a piss inside of a jar.” In his interview, § 87(2)(b) stated that approximately 20 minutes prior to being stopped by Sgt. Badillo, he urinated into a jar near the base of the stairs that ascend into the subway station. § 87(2)(b) said that this urine was necessary to obtain the methadone he consumes on a daily basis at the nearby clinic. Sgt. Badillo said that his actions were still against the law and then ordered § 87(2)(b) to stand next to a nearby subway map. Around this time, § 87(2)(b) was brought to a place on a wall approximately eight feet away from § 87(2)(b) by PO Pagan.

Sgt. Badillo asked § 87(2)(b) if he had anything on his person that might “stick” him. § 87(2)(b) asked Sgt. Badillo if was going to search him and Sgt. Badillo said, “What? That’s a problem? Ok then.” Then Sgt. Badillo asked § 87(2)(b) for his bag. § 87(2)(b)’s bag contained some winter gloves, papers, and a legally prescribed pill bottle of Vicodin. § 87(2)(b) handed Sgt. Badillo his navy blue, drawstring bag, and then PO Fil searched through the bag. PO Fil removed the bottle of Vicodin and asked for § 87(2)(b)’s name, which § 87(2)(b) provided. Sgt. Badillo took the pill bottle from PO Fil and returned it to § 87(2)(b)’s bag. PO Fil continued to search through § 87(2)(b)’s bag and Sgt. Badillo frisked § 87(2)(b)’s legs and each of his pants pockets. Sgt. Badillo reached into § 87(2)(b)’s right front pants pocket, removed some cash, which he immediately returned, and then reached in § 87(2)(b)’s left front pants pockets and removed § 87(2)(b)’s cell phone, which he also immediately returned. Sgt. Badillo removed § 87(2)(b)’s wallet from one of his back pockets and flipped through its contents. Sgt. Badillo handed § 87(2)(b) his wallet and § 87(2)(b) returned the wallet to his back pocket. Sgt. Badillo told PO Fil to record § 87(2)(b)’s name. § 87(2)(b) said his name out

loud and PO Fil wrote it down on a white piece of paper. After PO Fil had written down § 87(2)(b)'s name, Sgt. Badillo told § 87(2)(b) to leave and that he had been given, "a break, this time."

Concurrent to § 87(2)(b)'s interaction with Sgt. Badillo, § 87(2)(b) was being frisked and searched by PO Pagan. At some point during the incident, § 87(2)(b) witnessed § 87(2)(b) produce identification from his wallet and hand it to PO Pagan.

Witness: § 87(2)(b)

- *At the time of the incident, § 87(2)(b) was § 87(2)(b) old. She is a black female who is employed as § 87(2)(b).*

CCRB Statement: (encl. B16-18)

On December 12, 2013, § 87(2)(b) was interviewed at the CCRB. On July 25, 2013, at approximately 7:25 am, inside the East 105th Street L train station in Brooklyn, § 87(2)(b) recalled seeing § 87(2)(b) being searched by two police officers, whom she could not describe (but whom she speculated were white males) inside the East 105th Street subway station. § 87(2)(b) would not be able to recognize photographs of either of these officers. § 87(2)(b) observed these officers search § 87(2)(b) next to the subway map on the right-hand side of the token booth. § 87(2)(b) could not describe in detail what constituted this search; however, she recalled that the officers looked into § 87(2)(b)'s knapsack. § 87(2)(b) did not think that these officers removed anything from § 87(2)(b)'s knapsack. § 87(2)(b) estimated that this interaction lasted approximately 15 minutes, but could not recall any further details of the incident.

§ 87(2)(b) stated that she knew of a § 87(2)(b) who was friends with § 87(2)(b) and § 87(2)(b) but stated that he was not present for either of § 87(2)(b)'s two stops by the police officers inside the subway station.

§ 87(2)(b) sees § 87(2)(b) all five days a week that she works because § 87(2)(b) gets off at the East 105th Street station to visit § 87(2)(b). § 87(2)(b) buys § 87(2)(b) a cup of coffee every morning from a nearby "coffee truck."

Attempts to Contact Civilians

§ 87(2)(b)

On October 7, 2013, § 87(2)(b) was contacted by the CCRB and he scheduled an interview appointment at the CCRB on October 11, 2013. On October 11, 2013, § 87(2)(b) failed to appear for his scheduled interview without calling to cancel or reschedule. On October 28, 2013, § 87(2)(b) was contacted by the CCRB and he scheduled an interview appointment at the CCRB on November 7, 2013. On November 7, 2013, § 87(2)(b) failed to appear for his scheduled interview without calling to cancel or reschedule.

NYPD Statements:

Subject Officer: SERGEANT ABRAHAM BADILLO

- *At the time of the incident, Sgt. Badillo was § 87(2)(b) old. He is a Hispanic male, 5'7" tall, 160 pounds, with black hair and black eyes.*
- *On July 25, 2013, Sgt. Badillo worked from 5:00 am to 1:57 pm as the SNEU Supervisor and he was dressed in uniform. Sgt. Badillo was supervising a seven-man team and did not have a specific partner. Sgt. Badillo was working with three different police vehicles; however, he did not recall, nor had he noted, what vehicles the team was operating.*

Memo Book: (encl. C1-3)

On July 25, 2013, at 6:00 am, Sgt. Badillo noted in his memo book that there was a SNEU operation being performed in the vicinity of the Breukelen Houses. At 7:35 am, Sgt. Badillo noted that he had stopped three males and one female at East 105th Street and Farragut Road. At 7:40 am, a Stop, Question, and Frisk report was prepared and he noted that the associated SPRINT number was 4514. At 8:50 am, Sgt. Badillo stopped one male at East 105th Street and Glenwood Road. At 9:00 am, a Stop, Question, and Frisk report was prepared and noted that the associated SPRINT number was 5588.

CCRB Statement: (encl. C4-8)

On December 18, 2013, Sgt. Badillo was interviewed at the CCRB. On July 25, 2013, at approximately 7:35 am, the 69th Precinct SNEU observation post observed § 87(2)(b) selling pain killers to numerous individuals beneath the southern stairs in the East 105th Street L train station in Brooklyn. Sgt. Badillo did not recall which officers were assigned to the observation post. Sgt. Badillo did not know the name of the specific kind of pain killers that § 87(2)(b) was selling, but he stated they were a controlled substance. Subsequently, the observation post provided a description of § 87(2)(b) over the radio (Sgt. Badillo did not recall the details of this description) and while this description was being transmitted, § 87(2)(b) walked into the train station. Sgt. Badillo is familiar with § 87(2)(b) because in earlier debriefings with individuals he had arrested with narcotic pills, they have identified § 87(2)(b) as the source of the pills. Sgt. Badillo did not see the sale of the pain killers.

After receiving § 87(2)(b)'s description, Sgt. Badillo entered the East 105th Street train station and stopped § 87(2)(b) on the mezzanine level of the station by saying, "Excuse me, sir." Sgt. Badillo did not recall what officers accompanied him when he made the stop, though he believed that there was more than one other officer with him. Sgt. Badillo referred to his memo book and said that § 87(2)(b) was with two other males and one female. Sgt. Badillo then asked § 87(2)(b) if he had any prescription pills on him and § 87(2)(b) said that he had some for himself. Sgt. Badillo asked § 87(2)(b) to show him the pills and § 87(2)(b) showed him a pill bottle with pills inside. Sgt. Badillo did not take the pills from § 87(2)(b) and could not recall if § 87(2)(b) had the pills in his knapsack or in his pockets. At some point in the conversation, Sgt. Badillo requested § 87(2)(b)'s identification and § 87(2)(b) provided it to Sgt. Badillo. § 87(2)(b) also showed Sgt. Badillo a prescription which confirmed that the pills were in his name. Then, § 87(2)(b) was told that he was free to go. Sgt. Badillo could not recall the length of the stop. At no point did Sgt. Badillo frisk or search § 87(2)(b). Sgt. Badillo did not recall taking § 87(2)(b)'s bag from him or emptying its contents. Sgt. Badillo did not frisk or search any of the other individuals that were stopped inside the train station.

Sgt. Badillo could not arrest § 87(2)(b) because the SNEU team did not apprehend the individual who was seen buying the pills from § 87(2)(b). Sgt. Badillo did not recall what happened to the person who purchased pills from § 87(2)(b) or what kind of effort was made to arrest the buyer. Sgt. Badillo did not know how many people purchased pills from § 87(2)(b).

Sgt. Badillo believed that the other three people with § 87(2)(b) were also asked for their identification, but he was not sure which officer (including himself) asked for their identification.

Sgt. Badillo did not have an independent recollection of stopping § 87(2)(b) and did not recognize a photograph of § 87(2)(b). Sgt. Badillo was provided with a brief description of the incident and this did not help him recall the incident. Sgt. Badillo did not call § 87(2)(b) a "piece of shit," on the date of the incident, nor did he hear another officer make this remark. Sgt. Badillo did not recall § 87(2)(b) being frisked or searched on the date of the incident.

Subject Officer: OFFICER QUENTIN SAXON

- *At the time of the incident PO Saxon was § 87(2)(b) old. He is a black male, 6'0" tall, 200 pounds, with a bald head and brown eyes.*
- *On July 25, 2013, PO Saxon worked from 5:00 am to 4:15 pm, was assigned to SNEU with PO Goncalves, was dressed in plainclothes, and was assigned to the observation van, a dark colored Econoline van.*

Memo Book: (encl. C9-11)

On July 25, 2013, PO Saxon noted in his memo book that at 7:10 am, a car stop was performed at East 108th Street and Stanley Avenue. At 7:35 am, PO Saxon noted that there was a male stopped at East 105th Street and Farragut Road.

CCRB Statement: (encl. C12-15)

On August 21, 2014 and October 9, 2014, PO Saxon was interviewed at the CCRB. On July 25, 2013, at approximately 6:50 am, PO Saxon did not have any interaction with § 87(2)(b) (whom he recognized from a different interaction on a later date). At that time PO Saxon was parked inside of the SNEU team's observation van in the vicinity of East 104th Street and Glenwood Avenue in Brooklyn. PO Saxon did not recall the observation van ever being parked on East 105th Street between Farragut Road and Glenwood Road on the date of the incident. The SNEU operation did not use any surveillance footage from the bodega on the corner of Glenwood Avenue and East 105th Street. PO Saxon was the driver of the observation van and he was not using binoculars on the date of the incident and instead was only using his unaided eyes to make his observations. PO Goncalves was observing out of the rear of the vehicle.

The two stops that PO Saxon had noted in his memo book around the time of the incident, the car stop at 7:10 am and a street stop at 7:35 am, were not stops that PO Saxon performed and they were just notations that someone on the SNEU team performed these stops. PO Saxon never frisked or searched § 87(2)(b) on the date of the incident and did not hear Sgt. Badillo or any other officer refer to § 87(2)(b) as a "piece of shit."

PO Saxon did not recall an incident at approximately 7:35 am involving a stop of § 87(2)(b) or anything § 87(2)(b) did prior to this incident on this date. PO Saxon was provided with a brief description of the incident, but he did not recall the incident. PO Saxon did not recall if § 87(2)(b) engaged in a hand-to-hand exchange at any time in the vicinity of the East 105th Street L train station and did not see § 87(2)(b) urinate into a jar near the entrance of the subway station. PO Saxon did not recall communicating anything to Sgt. Badillo, PO Fil, or PO Pagan that led to a stop of § 87(2)(b) and did not see any officer have an interaction with § 87(2)(b) on the date of the incident. PO Saxon did not know why § 87(2)(b) was released without being arrested.

PO Saxon has a sleeve tattoo on his right arm on his forearm up to his bicep. On his left forearm, he has some tattoos, though not a true sleeve and not as densely as on his right arm.

Subject Officer: OFFICER TOMASZ FIL

- *At the time of the incident, PO Fil was § 87(2)(b) old. He is a white male, 6'0" tall, 183 pounds, with black hair and blue eyes.*
- *On July 25, 2013, PO Fil worked from 5:00 am to 1:35 pm, was assigned to SNEU, was working with PO Pagan, was dressed in uniform, and was assigned to an unmarked sedan, RMP #583.*

Memo Book: (encl. C16-18)

On July 25, 2013, PO Fil noted in his memo book that at 7:35 am, there were three males and one female stopped at East 105th Street and Farragut Road: § 87(2)(b) (DOB: § 87(2)(b)) of § 87(2)(b), § 87(2)(b) (DOB: § 87(2)(b)) of § 87(2)(b), and § 87(2)(b) (DOB: § 87(2)(b)) of § 87(2)(b). At 7:40 am, a report was prepared in regards to the stops. The SPRINT number associated with the stops was 4514.

Handwritten Stop, Question, and Frisk Report: (encl. C19)

On July 25, 2013, PO Fil prepared a Stop, Question, and Frisk Report for § 87(2)(b) for a stop that he performed at 7:35 am. The report did not include the location of the stop. § 87(2)(b) was stopped on suspicion of criminal possession of a controlled substance because he was observed performing actions that were indicative of engaging in a drug transaction. § 87(2)(b) was not frisked or searched and his demeanor was described as calm during the stop. PO Fil noted that the area of the stop has a high incidence of criminal possession of a controlled substance. PO Fil also noted that § 87(2)(b) gave evasive, false, or inconsistent responses to his questions and that other individuals were stopped at the same time as § 87(2)(b). The serial numbers associated with the reports associated with those stops were 2682 and 2684.

CCRB Statement: (encl. C20-21)

On April 24, 2013, PO Fil was interviewed at the CCRB. On July 25, 2013, PO Fil was assigned to the apprehension team on the date of the incident, though he did not recall who else was on the apprehension team. PO Fil did not recall who was assigned to the observation post or the prisoner van. There is a methadone clinic on the corner of East 105th Street and Farragut Road. Sometimes the SNEU team runs an operation around this methadone clinic.

PO Fil did not recognize a photograph of § 87(2)(b) and did not recall interacting with him. PO Fil did not recall if on July 25, 2013, at approximately 6:50 am, he was parked and inside of a police vehicle on East 105th Street between Farragut Road and Glenwood Road. The SNEU team does not access or otherwise use the surveillance feeds of local commercial establishments. PO Fil did not recall if the SNEU team had received a report of a theft occurring at a convenience store on the corner of East 105th Street and Glenwood Road. PO Fil did not recall frisking or searching § 87(2)(b) on the date of the incident. PO Fil did not call § 87(2)(b) a piece of shit, nor did he hear Sgt. Badillo call § 87(2)(b) a “piece of shit.”

PO Fil did not initially recall interacting with § 87(2)(b) but once he was presented with a copy of the Stop, Question, and Frisk Report that he prepared for § 87(2)(b) he said that it helped him recall the incident. At approximately 7:35 am, PO Fil received a communication about § 87(2)(b) but he did not recall what was communicated to him about § 87(2)(b). PO Fil stopped § 87(2)(b) along with three other individuals at the intersection of East 105th Street and Farragut Road. PO Fil did not recall what § 87(2)(b) was wearing or if he had a bag and he did not recall seeing any bulges on § 87(2)(b)'s pants pockets. PO Fil did not recall the following things: if all four individuals were in a group when he approached them, what he said to § 87(2)(b) when he first approached him, what questions he asked § 87(2)(b) frisking or searching § 87(2)(b) how it was determined that § 87(2)(b) had not engaged in a drug transaction, who in the group was suspected of buying drugs and who was suspected of selling drugs, § 87(2)(b) urinating into a jar before being stopped, or § 87(2)(b) talking about urinating into a jar at the time of his stop. § 87(2)(b) was calm during the interaction.

Subject Officer: OFFICER VICTOR PAGAN

- *At the time of the incident, PO Pagan was § 87(2)(b) old. He is a Hispanic male, 5'9" tall, 193 pounds, with black hair and brown eyes.*

- *On July 25, 2013, PO Pagan worked from 5:00 am to 1:35 am, was assigned to SNEU with Sgt. Badillo and PO Fil, was dressed in uniform, and was assigned to a marked four-door sedan, RMP number unknown.*

Memo Book: (encl. C22-26)

On July 25, 2013, PO Pagan noted in his memo book that at 7:35 am three males and one female were stopped at the East 105th Street and Farragut Road L train station. One of these males was § 87(2)(b) (DOB: § 87(2)(b) , white male, 5'10" tall, 215 pounds) of 183 § 87(2)(b) . Another was § 87(2)(b) (DOB: § 87(2)(b) , black male, 6'0" tall, 213 pounds) of § 87(2)(b) . At 7:40 am, PO Pagan prepared two reports in regards to the stops. The SPRINT number associated with the stop was #4514.

Handwritten Stop, Question, and Frisk Report: (encl. C27)

On July 25, 2013, PO Pagan prepared a Stop, Question, and Frisk Report for § 87(2)(b) for a stop that he performed at 7:35 am inside the East 105th Street L train station. § 87(2)(b) was stopped on suspicion of criminal possession of a controlled substance because he was observed performing actions that were indicative of engaging in a drug transaction. PO Pagan noted that he placed his hands on § 87(2)(b) during the stop and that § 87(2)(b) was frisked, but not searched. PO Pagan noted that the area of the stop has a high incidence of criminal possession of a controlled substance and that another individual was stopped at the same time as § 87(2)(b) . The serial number of the Stop, Question, and Frisk Report prepared in relation to the stop was 2730.

CCRB Statement: (encl. C28-29)

On April 24, 2014, PO Pagan was interviewed at the CCRB. PO Pagan was assigned to be Sgt. Badillo's operator and PO Fil was also in the vehicle. PO Pagan described his position that day as operating a "catch car" and that there would have been two plainclothes officers working as the observation post and two uniformed officers working out of a prisoner van.

PO Pagan did not recall these incidents, even after being provided with details and being shown photographs of § 87(2)(b) and § 87(2)(b) as well as documentation of the incident.

Witness Officer: PO PRISCILLA GONCALVES

- *At the time of the incident, PO Goncalves was § 87(2)(b) old. She is a mixed race female, 5'8" tall, 130 pounds, with black hair and brown eyes.*
- *On July 25, 2013, PO Goncalves worked from 5:00 am to 1:35 pm, was assigned to a SNEU observation post with PO Saxon, was dressed in plainclothes, and was assigned to an unmarked vehicle.*

Memo Book: (encl. C30-31)

On July 25, 2013, PO Goncalves noted in her memo book that at 6:00 am she was working a SNEU observation post in the vicinity of the Breukelen Houses.

CCRB Statement: (encl. C32-33)

On October 15, 2014, PO Goncalves was interviewed at the CCRB. On July 25, 2013, at approximately 6:50 am, PO Goncalves was working as the observation post of a SNEU operation in the vicinity of the Breukelen Houses in Brooklyn. PO Goncalves was not inside of the East 105th Street L Train station. PO Goncalves was using binoculars inside of an unmarked vehicle while acting as the SNEU team's observation post. There is a methadone clinic in the area and PO Goncalves has made drug related arrests in this area in the past. PO Goncalves did not recall if she was the operator of the vehicle to which she was assigned, did not recall what kind of vehicle

it was, and did not recall where the vehicle was parked. PO Goncalves did not recall if Sgt. Badillo or any other officers ever worked the observation post with her and PO Saxon. PO Goncalves did not know what officers were working in the other posts of the SNEU operation.

PO Goncalves did not recall these incidents, even after being provided with details and being shown photographs of § 87(2)(b) and § 87(2)(b) as well as documentation of the incident.

Witness Officer: OFFICER PHILOGENE BREVILLE

- *At the time of the incident, PO Breville was § 87(2)(b) old. He is a black male, 5'9" tall, 185 pounds, with black hair and brown eyes.*
- *On July 25, 2013, PO Breville worked from 5:00 am to 1:35 pm, was assigned to the SNEU prisoner van with PO Dellimore, was dressed in uniform, and was assigned to a marked van, RMP #8741.*

Memo Book: (encl. C34-36)

PO Breville did not have any entries in his memo book regarding the incident with § 87(2)(b) § 87(2)(b)

CCRB Statement: (encl. C37-38)

On August 21, 2014, PO Breville was interviewed at the CCRB. PO Breville was parked in the prisoner van in the vicinity of East 101st Street and Foster Avenue in Brooklyn. Officers assigned to the prisoner van during a SNEU operation do not stop people, they just pick up people after they have been placed under arrest by other members of the SNEU team.

PO Breville did not recall this incident, even after being shown a photograph of § 87(2)(b) and being provided with details of the incident.

Witness Officer: OFFICER SYDNEY DELLIMORE

- *At the time of the incident, PO Dellimore was § 87(2)(b) old. He is a black male, 5'8" tall, 175 pounds, with black hair and brown eyes.*
- *On July 25, 2013, PO Dellimore worked from 5:00 am to 1:25 pm, was assigned to SNEU with PO Breville, was dressed in uniform, and was assigned to a marked prisoner van.*

Memo Book: (encl. C39-41)

PO Dellimore did not have any entries in his memo book regarding the incident with § 87(2)(b) § 87(2)(b)

CCRB Statement: (encl. C42-43)

On August 21, 2014, PO Dellimore was interviewed at the CCRB. PO Dellimore did not recall the incident even after being provided with details and a photograph of § 87(2)(b) PO Dellimore has a spider web tattoo on his left elbow and some more tattoos on his left bicep. PO Dellimore does not have any visible tattoos on his right arm (they are concealed by his shirt sleeves); there are no tattoos on PO Dellimore's right forearm.

NYPD Documents

Handwritten Stop, Question, and Frisk Log: (encl. D1-3, G2, and G6)

The 69th Precinct's Stop, Question and Frisk Log from July 25, 2013 confirm that the reports that were noted above were prepared by PO Fil (for § 87(2)(b) and § 87(2)(b)) and by PO Pagan (for § 87(2)(b) and § 87(2)(b)). The Log did not have any entries for § 87(2)(b) on July 25, 2013. Two reports were prepared for two

individuals (§ 87(2)(b) and § 87(2)(b)) on July 25, 2013 for stops made at East 105th Street and Glenwood Road.

Event Information and Chronology: (encl. D4-6)

On June 25, 2013, an Event was generated at 7:35 am when the SNEU sergeant reported that three males and one female were stopped at East 105th Street and Farragut Road. The Event noted that Stop, Question, and Frisk Reports were prepared. At 8:56 am, an Event was generated when an officer on the SNEU team reported that one male was stopped at East 105th Street and Glenwood Road. The Event noted that a report was prepared.

Event Summary: (encl. D10-11)

The Event Summary from the 69th Precinct on July 25, 2013, confirmed there were no Events generated between 6:00 am and 8:00 am in the vicinity of East 105th Street and Glenwood Road (aside from the aforementioned Event from East 105th Street and Farragut Road).

Command Log: (encl. D12)

On July 25, 2013, it was noted in the 69th Precinct's Command Log that at 5:45 am a SNEU operation was being conducted in the Breukelen Houses with Sgt. Badillo and the SNEU team.

Roll Call: (encl. D13-17)

The July 25, 2013, Tour 3 Roll Call from the 69th Precinct noted that PO Dellimore, PO Breville, PO Goncalves, PO Fil, PO Pagan, and PO Saxon were all assigned to Conditions. A note was made next to all of their names that they were working the second platoon. Sgt. Badillo was also assigned to Conditions, but no note was made next to his name about a change in tour.

MISD and NYS Troopers Warrant Check Data: (encl. G1)

Requests to MISD and the NYS Troopers for warrant checks performed for § 87(2)(b) and § 87(2)(b) on July 25, 2013 both came back negative.

Other Evidence

Phone Call to § 87(2)(b): (encl. F11)

On October 21, 2014, § 87(2)(b) was contacted by the CCRB. § 87(2)(b) stated that patients are not allowed to bring urine into the clinic from the outside. He explained that patients are drug-tested at random, and are asked to provide a urine sample, but must use the bathroom at the facility in order to provide the urine. They are not allowed to bring urine into the clinic to use for drug-testing purposes. § 87(2)(b) added that sometimes patients sell "clean" (narcotics-free) urine.

Phone Call to 69th Precinct ICO: (encl. F11)

On November 6, 2014, Lt. Michael Howery, the 69th Precinct's ICO, was contacted by the CCRB and he said that RMP #583 is an unmarked, blue 2010 to 2012 Ford Fusion.

Status of Civil Proceedings

- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of June 26, 2013 with regard to the incident (encl. E1).

Civilians' Criminal Histories

- § 87(2)(b), § 87(2)(c)

- § 87(2)(b), § 87(2)(c)
[Redacted]
[Redacted]
[Redacted]
[Redacted]
- [Redacted]
[Redacted]
- [Redacted]
[Redacted]
[Redacted]
- § 87(2)(b), § 87(2)(c)
[Redacted]
[Redacted]
- [Redacted]
[Redacted]
[Redacted]

- § 87(2)(b) has filed the following CCRB complaints: (encl. A6)
- § 87(2)(b)
- § 87(2)(b) has filed the following CCRB complaints: (encl. A7)
- § 87(2)(b)

- Sgt. Badillo has been a member of the service for nine years and there are no substantiated CCRB allegations against him (encl. A1-2).
- PO Saxon has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. A3).
- PO Fil has been a member of the service for seven years and this is the first CCRB complaint against him (encl. A4).
- PO Pagan has been a member of the service for six years and there are no substantiated CCRB allegations against him (encl. A5).

Identification of Subject Officers

The Command Log noted that a SNEU operation was being conducted in the vicinity of the Breukelen Houses and the operation was being supervised by Sgt. Badillo.

§ 87(2)(b) described the officer who stopped him and then searched his pockets as a uniformed black or Hispanic male, 6'0" tall, 190 pounds, with very expensive and colorful arm-sleeve tattoos on both arms. Because PO Saxon has a sleeve tattoo on his right arm and numerous tattoos on his left arm and because he otherwise matches § 87(2)(b)'s description and because he was part of the SNEU team operating in the vicinity of the incident, allegations A and B have been pled against him.

§ 87(2)(b) described the officer who called him a "piece of shit" as a uniformed light-skinned Hispanic male, 5' tall, 100 pounds, short black hair and a nameplate that read "Patello or something," and that it was the same officer that stopped him on August 15, 2013 (an incident that is being investigated in CCRB case number 201307413). In this separate case, § 87(2)(b) was stopped with § 87(2)(b) and § 87(2)(b) accurately identified Sgt. Badillo by name, shield number, and pedigree, and the investigation confirmed Sgt. Badillo's involvement via police documentation. Because Sgt. Badillo is a Hispanic male, 5'7" tall, 160 pounds, with black hair who was operating a SNEU operation in the vicinity of the incident location, and because § 87(2)(b) recognized him from a separate incident in which he was clearly identified, allegation C has been pled against Sgt. Badillo.

Sgt. Badillo acknowledged interacting with § 87(2)(b) on the date of the incident and though PO Pagan and PO Fil did not have independent recollections of the incident, they prepared the Stop, Question, and Frisk reports for § 87(2)(b) and § 87(2)(b). Therefore, allegations D through K have been variously pled against Sgt. Badillo, PO Pagan, and PO Fil.

Investigative Findings and Recommendations

- **Allegation A) Abuse of Authority: In the vicinity of East 105th Street and Farragut Road, PO Quentin Saxon stopped § 87(2)(b)**
- **Allegation B) Abuse of Authority: In the vicinity of East 105th Street and Farragut Road, PO Quentin Saxon searched § 87(2)(b)**
- **Allegation C) Discourtesy: In the vicinity of East 105th Street and Farragut Road, Sgt. Abraham Badillo spoke discourteously to § 87(2)(b)**

§ 87(2)(b) alleged that as he was walking back to the East 105th Street L train station he was stopped by PO Saxon. PO Saxon then searched § 87(2)(b)'s pants pockets and § 87(2)(b) was placed into an unmarked, powder blue, Crown Victoria sedan, while the officers ran a warrant check on him. Just before § 87(2)(b) was released, Sgt. Badillo called § 87(2)(b) "a piece of shit."

None of the officers interviewed had a recollection of an incident involving § 87(2)(b). An MISD request and NYS Troopers request did not reveal that there were any warrant checks run for § 87(2)(b). The Event Summary from the date of the incident does not show that any Events were generated at the time of the incident. Though there were numerous Stop, Question, and Frisk report prepared by members of the SNEU team on the date of the incident, a report was not prepared in relation to an incident involving § 87(2)(b) § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

- **Allegation D) Abuse of Authority: Inside the East 105th Street L Train station, Sgt. Abraham Badillo stopped § 87(2)(b)**
- **Allegation E) Abuse of Authority: Inside the East 105th Street L Train station, PO Tomasz Fil stopped § 87(2)(b)**

It is undisputed that Sgt. Badillo and PO Fil stopped § 87(2)(b) inside the East 105th Street L train station. § 87(2)(g)

§ 87(2)(b) stated that he left § 87(2)(b) with § 87(2)(b) and went into the subway station without shaking hands with § 87(2)(b) or exchanging any items. Before going into § 87(2)(b), § 87(2)(b) acknowledged urinating into a jar beneath the staircase that leads into the subway station because he needed to bring this urine to the methadone clinic. § 87(2)(b) contradicted this claim and said that patients are not permitted to bring urine from the outside in order to pass the clinic's random drug screenings. Sgt. Badillo stated that the SNEU team's observation post observed § 87(2)(b) selling drugs underneath the staircase that leads into the subway station. PO Fil stated that § 87(2)(b) was stopped based on information by other members in the SNEU team, though he did not recall what was communicated to him prior to the stop. The officers who were assigned to the observation post, PO Saxon and PO Goncalves, did not recall the incident and did not recall what information (if any) they communicated about § 87(2)(b).

Patrol Guide Procedure 212-11 (encl. i-iv) requires that officers have reasonable suspicion that an individual has committed, is committing, or is about to commit a crime before they make a stop.

§ 87(2)(g)

- **Allegation G) Abuse of Authority: Inside the East 105th Street L Train station, Sgt. Abraham Badillo authorized the search of § 87(2)(b)'s bag.**
- **Allegation H) Abuse of Authority: Inside the East 105th Street L Train station, PO Tomasz Fil searched § 87(2)(b)'s bag.**

§ 87(2)(b) alleged that once he was brought over to the subway map next to the token booth, Sgt. Badillo asked for his bag and § 87(2)(b) handed it to Sgt. Badillo who passed it off to PO Fil. PO Fil then searched through the bag, removed a legally prescribed bottle of Vicodin, and Sgt. Badillo took the bottle and placed it back into the bag. § 87(2)(b) stated that § 87(2)(b) was searched by officers in front of the subway map next to her token booth, but she could not describe this search beyond saying that an officer looked into § 87(2)(b)'s bag. § 87(2)(b) did not think that officers removed anything from § 87(2)(b)'s bag.

PO Fil did not even recall if § 87(2)(b) had a bag with him and he did not recall searching him. Sgt. Badillo denied ever taking § 87(2)(b)'s bag from him and stated that § 87(2)(b) produced the pill bottle himself after Sgt. Badillo asked him to show him the pills.

§ 87(2)(g)

According to People v. Gokey, 60 N.Y.2d 309 (1983) (encl. v-viii) an officer cannot search an arrestee's bag without the reasonable belief that the arrestee could gain possession of a weapon from the bag or otherwise destroy evidence inside the bag.

§ 87(2)(g)

- **Allegation I) Abuse of Authority: Inside the East 105th Street L Train station, Sgt. Abraham Badillo frisked** § 87(2)(b)
- **Allegation J) Abuse of Authority: Inside the East 105th Street L Train station, Sgt. Abraham Badillo searched** § 87(2)(b)

§ 87(2)(b) alleged that concurrent to the search of his bag, Sgt. Badillo frisked § 87(2)(b)'s legs and pants pockets and then placed his hands into each of § 87(2)(b)'s pants pockets. § 87(2)(b) could not describe the officers' search beyond saying that they looked into his bag.

Sgt. Badillo and PO Fil both denied frisking or searching § 87(2)(b). PO Pagan did not recall seeing § 87(2)(b)'s bag searched, or seeing him frisked or searched. The Stop, Question, and Frisk report notes that § 87(2)(b) was not frisked or searched.

§ 87(2)(g)

- **Allegation K) Abuse of Authority: Inside the East 105th Street L Train station, PO Victor Pagan frisked** § 87(2)(b)
- § 87(2)(b) alleged that while he was interacting with Sgt. Badillo and PO Fil, PO Pagan frisked § 87(2)(b). § 87(2)(b) did not cooperate with the investigation.

The Stop, Question, and Frisk report prepared by PO Pagan in regards to § 87(2)(b)'s stop noted that § 87(2)(b) was frisked during the stop. The report noted that the frisk was performed due to "furtive movements." PO Pagan did not recall his interaction with § 87(2)(b) and could not provide an explanation for the documented frisk.

People v. De Bour (encl. ix-xix) only allows an officer to frisk a civilian if he reasonably suspects the civilian to be armed. § 87(2)(g)

- **Allegation F) Abuse of Authority: Inside the East 105th Street L Train station, PO Victor Pagan stopped** § 87(2)(b)
- **Allegation L) Abuse of Authority: Inside the East 105th Street L Train station, PO Victor Pagan searched** § 87(2)(b)

§ 87(2)(b) stated that he was with § 87(2)(b) when he was approached by Sgt. Badillo, PO Pagan, and PO Fil. While § 87(2)(b) was interacting with Sgt. Badillo, § 87(2)(b) said that PO Pagan searched § 87(2)(b) § 87(2)(b) did not cooperate with the investigation's attempts to obtain a sworn statement from him.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]

Team: 1

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date